

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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David A. Schmidt,

Civil 06-897 (RHK/FLN)

Plaintiff,

**ORDER**

v.

Minnesota Department of  
Corrections, et al.,

Defendants.

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Based upon the Findings of Fact, Conclusions of Law, and Recommendation by  
United States Magistrate Judge Franklin L. Noel dated May 11, 2006, all the files and  
records, and no objections having been filed to said Report and Recommendation,

**IT IS HEREBY ORDERED** that:

1. The Report and Recommendation (Doc. No. 5) is **ADOPTED**;
2. Plaintiff's application to proceed without prepayment of fees (Doc. No. 2) is **DENIED**; and
3. This action is **DISMISSED WITHOUT PREJUDICE**.

Dated: June 7, 2006

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge